

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*** DOCKET NO. 2:10-CR-131**

v.

*** SECTION: "R"**

SANTOS SAUL EXCOTO-MURILLO

a/k/a Santos S. Murillo

a/k/a Santos Saul Murillo

*** * ***

FACTUAL BASIS

_____ Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **SANTOS SAUL EXCOTO-MURILLO** (hereinafter "**EXCOTO-MURILLO**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter the "agent") would testify that on or about April 27, 2010, he found the defendant, **EXCOTO-MURILLO**, during an Immigration and Customs Enforcement (hereinafter "ICE") fugitive operation in the Eastern District of Louisiana. ICE agents encountered the defendant at a house in Orleans Parish while attempting to

locate another individual who was an ICE fugitive suspected of residing at that location. Upon determining that the defendant was illegally in the United States, the defendant was arrested and detained by ICE agents.

The agent would testify that, upon questioning **EXCOTO-MURILLO** under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Honduras, was illegally in the United States, and had previously been removed. The agent confirmed the defendant's illegal status through the ICE database.

Documentation from the records of ICE, contained in the defendant's Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **EXCOTO-MURILLO**, was deported and removed from the United States to Honduras on or about March 23, 2007, at or near San Antonio, Texas. A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **EXCOTO-MURILLO**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of

Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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SANTOS SAUL EXCOTO-MURILLO Defendant	Date
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SAMUEL SCILLITANI Assistant Federal Public Defender LA Bar Roll No. 21371 Attorney for the Defendant	Date
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